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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

In re:  MIHAIL P. BLEGEANU HATTIE S. BLEGEANU  Debtors.	Case No. 11-36099 Chapter 13 Judge Joel T. Marker <i>Hearing January 16, 2013 at 9:30 a.m.</i>
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**TRUSTEE'S RESPONSE TO DEBTORS' OBJECTION TO TRUSTEE'S MOTION TO  
DISMISS AND MOTION TO MODIFY THE DEBTORS' CHAPTER 13 CASE**

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Kevin R. Anderson, Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced Motion as follows:

1. Tax year 2011 is the first year of the Debtor's three-year tax commitment.
2. As of January 7, 2013, the Debtors' plan payments are delinquent 1.0 months in the amount of \$570.00.
3. The Debtors seek to modify their plan to retain a portion of their 2011 tax refund.
4. Unless the Debtors cure the delinquent payments, turn over \$1,000 from the 2011 tax refunds and agree to return the greater of \$3,811.00 *pro rata* or a 36-month base to nonpriority unsecured creditors, the Trustee objects to the Motion.

5. The Trustee notes with the increased return to nonpriority unsecured creditors, the Debtors plan is not feasible. The plan payment must increase to \$630.00 beginning January 25, 2013, to maintain plan feasibility.

6. Consistent with prior rulings, the Trustee requests that the Debtors stipulate to 180-day language which bars the Debtors from re-filing for bankruptcy relief for 180 days from the date of dismissal if the Debtors default and the case dismisses within 180 days of this hearing date.

7. The Trustee has no objection to an award of attorney's fees in the amount of \$472.50 consistent with the fee application on file with the Court.

WHEREFORE, the Trustee objects to entry of an Order granting the relief requested in the Motion.

DATED: January 7, 2013.

Kellie K. Nielsen /s/  
KELLIE K. NIELSEN  
Attorney for Chapter 13 Trustee

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing paper was served by ECF (as indicated below) or addressed to the following parties and deposited in the U.S. Mail, first-class postage prepaid, on the 7<sup>th</sup> day of January, 2013.

SARAH L. MATHEWS  
ECF Notification

J. Coyle /s/  
Office of the Chapter 13 Trustee